

## **REMARKS/ARGUMENTS**

Applicant has received and carefully reviewed the Office Action mailed March 24, 2010. Claims 11-20 are pending and have been rejected. Applicant respectfully traverses all adverse assertions and rejections presented in the Office Action. With this amendment, claims 11, 19 and 20 have been amended. No new matter has been added. Support for the amendments can be found, for example, in paragraphs [0024], [0026], and [0029] of the published application. Favorable consideration of the above amendments and the following remarks is respectfully requested.

### ***Claim Rejections – 35 USC § 103***

Claims 11-17, 19, and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Heyn et al. (U.S. Patent No. 5,201,757) in view of Frid et al. (U.S. Patent No. 6,159,228) in view of Sielaff et al. (U.S. Patent No. 4,016,864). After careful review, Applicant must respectfully traverse this rejection.

“All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). (MPEP 2143.03).

In the Office Action, Heyn et al. are acknowledged as lacking certain limitations found in the pending claims. Specifically, Heyn et al. do not disclose the distal end of the rigid inner member extends beyond the distal end of the inner shaft. Heyn et al. also do not disclose a stepped exterior tube. Frid et al. and Sielaff et al., respectively, are advanced as providing these missing elements.

In the interest of advancing prosecution, and without conceding the correctness of the rejection, Applicant has amended independent claims 11, 19, and 20 to further differentiate from the cited references. None of the cited references, alone or in combination, appear to disclose or suggest at least the following limitations:

an outer shaft comprising a tapered distal end, a proximal end, and a lumen therebetween, and an inner shaft slidably disposed within and concentric with the outer shaft, comprising a proximal end and a tapered distal end configured to engage the outer

shaft distal end, wherein the outer shaft distal end is positioned distal to the inner shaft distal end, and the outer shaft is slidable relative to the inner shaft between a first position in which the distal end of the inner shaft is positioned within the lumen of the outer shaft and spaced from the distal end of the outer shaft and a second position in which the distal end of the inner shaft matingly engages the distal end of the outer shaft – as required by independent claim 11, or

an outer shaft comprising distal and proximal ends and a lumen therebetween, wherein the distal end includes a tapered inner surface, and an inner shaft slidably disposed within and concentric with outer shaft, comprising a proximal end and a distal end having a tapered outer surface configured to matingly engage the tapered inner surface of the outer shaft distal end, wherein the outer shaft distal end is positioned distal to the inner shaft distal end, and the outer shaft is slidable relative to the inner shaft between a first position in which the distal end of the inner shaft is positioned within the lumen of the outer shaft and spaced from the distal end of the outer shaft and a second position in which the tapered outer surface of the distal end of the inner shaft matingly engages the tapered inner surface of the distal end of the outer shaft – as required by independent claim 19, or

a rigid inner member comprising distal and proximal ends, the rigid inner member further comprising an interior portion disposed inside the inner shaft and defining a lumen within the inner shaft, the proximal end of the rigid inner member being directly mounted to the proximal end of the inner shaft, the rigid inner member further comprising an exterior portion protruding beyond the distal end of the inner shaft – as required by independent claim 20.

Heyn et al., Frid et al., and Sielaff et al. (alone or in combination) do not appear to teach all of the elements of independent claims 11, 19, and 20, as is required to establish a *prima facie* rejection. Therefore, claims 11, 19 and 20 are believed to be patentable over the cited references. Since claims 12-17 depend from independent claim 11 and add additional elements thereto, these claims are also believed to be patentable over the cited references. Withdrawal of the rejection is respectfully requested.

Claims 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Heyn

et al. in view of Frid et al. in view of Sielaff et al. in view of DiCaprio et al. (U.S. Patent No. 6,176,843). Applicant must respectfully traverse the rejection.

Independent claim 11 appears to be patentable over Heyn et al., Frid et al., and Sielaff et al. for at least the reasons discussed above. DiCaprio et al. do not appear to remedy the shortcomings of Heyn et al., Frid et al., and Sielaff et al. with respect to claim 11. Therefore, claim 11 is believed to be patentable over the cited combination. Since claim 18 depends therefrom and adds additional elements thereto, Applicant believes claim 18 is also patentable over the cited references. Withdrawal of the rejection is respectfully requested.

### ***Conclusion***

In view of the foregoing, all pending claims are believed to be in condition for allowance. Further examination, reconsideration, and withdrawal of the rejections are respectfully requested. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By her Attorney,

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